

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## City Council Meeting

July 13, 2021

5:00 p.m.

City Hall

## MINUTES

Present: Mayor Donna Whitener

Council members: Mike Panter

Robbie Cornelius, Rhonda Haight,

Nathan Fitts

Zoning and Land Development and Project Manager: Jeff Stewart

City Clerk: Kelly Crowder

### 1) Call Meeting to Order

Mayor Donna Whitener called the meeting to order.

### 2) Prayer and Pledge of Allegiance

Council member Robbie Cornelius led the prayer and the pledge

### 3) Approval of Minutes from Previous Meeting

June 15, 2021 Minutes

Council member Mike Panter made a motion to approve the minutes

Council member Nathan Fitts seconded the motion.

Motion passed 4-0

ROBBIE (X) MIKE (M) NATHAN (S) RHONDA (X)

### 4.) Approval or Amendment of Agenda

A workshop was supposed to have started at 4pm to include training from

Ethan Calhoun, Assistant Planning Director. The legal organ did not receive the email about the workshop therefore the agenda had to be amended to add him in order to comply with the law.

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Council member Mike Panter made a motion to allow Ethan Calhoun to speak.

Council member Nathan Fitts seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (M ) NATHAN (S ) RHONDA (X )

Council member Mike Panter made a motion to remove items 13 and 14 off the agenda since those items have already been addressed.

Council member Rhonda Haight and Nathan Fitts said it was illegal to do so.

Motion failed for lack of a second.

Ethan Calhoun came to podium to conduct the training session.

He had a prepared Power Point presentation (attached)

## **Public Comments (for all speakers who have signed up the previous week):**

### **1. Cesar Martinez – DDA update and Blue Ridge Business Association Update.**

The parade was a success. He gave his opinion on the amplified music, saying that it is helpful to the restaurants to have the outdoor music.

Mr. Martinez gave an update on the DDA. He said Nicole's department was working very hard and almost ready to put the sign project out for bid. Georgia cities foundation is having their conference at Brasstown Valley, he stated it was a great opportunity for anyone on the council to go and learn more about the DDA. Mr. Martinez says the DDA still needs an appointment of Secretary, Parking Director, and an appointment from City Council. There was a brief discussion about needing the architectural designs for the bathrooms downtown. There was a discussion about how bad the shoplifting was in the downtown shops.

### **2. Hope Killingsworth – Amplified Music Ordinance**

Ms. Killingsworth spoke about wanting to be able to have the outdoor music.

Council member Rhonda Haight explained that this has been in the Ordinance just not enforced until the alcohol ordinance. Mrs. Haight explained that this ordinance was put in place to protect the residents. Ms. Killingsworth just wanted to ask for this to be discussed in a timely manner. Council member Nathan Fitts said we could go ahead and set up a Town hall meeting. After some discussion it was decided on to hold a Town Hall meeting on July 29, 2021.

### **3. Brian Higgins – Discuss downtown signage including comparing pricing and materials**

Brian Higgins was removed from speaking because he will speak first at the DDA meeting.

### **4. Donna Thompson – "Unresolved Agenda Items"**

Mrs. Thompson stated there were several things she wanted to talk about. She mentioned the mayor's veto and said what now since it was a unanimous vote. Ms. Thompson also spoke about the open records request she made. She stated that she asked a question to the fill in attorney and did not get a response back. Council member Nathan Fitts said what was more

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concerning was the process for open records request. He stated it was always done by the City Clerk which is on salary and now it is going to the City Attorney at \$175/hour is what the taxpayers are paying.

Council member Mike Panter wanted to say that at the last meeting he did vote on the height restriction and the change, but since then he has been doing a lot of research. He said that over the last 8 years not one council member, including himself, have had any planning and zoning training. He said only 2 people on our Planning commission board Cindy Trimble and John Soave have had classes.

Council member Rhonda Haight said it was more about listening to what the citizens want. Mrs. Haight said at the 2 Town Hall meetings she never heard one person say that they wanted anything above 35 feet.

Donna Thompson also wanted to discuss the Parking Contract. She mentioned that the vote was unanimous to have it reviewed and since GMA refused, she asked for them to still look at it in some way. She also asked for a review of the comprehensive plan.

5. Brian Prichard – He wanted to talk about parking. It has been a problem for a very long time. He also wanted to have all the excess spending cut out like paying other attorneys. He spoke about the parking contract and the R/Cut. He asked the council to come together and get ahold of some of the money the government has available. He wants the council to stop spending money on 3 different attorneys.

It was decided in the meeting to have a Town Hall meeting on July 29, 2021 at 6:00pm  
To discuss the Alcohol Ordinance and the Noise Ordinance

## **Action Agenda Items (Items requiring the approval of the Council):**

### **1. Council Meetings Change of Date: Ordinance BR2021-10 (2nd Reading)**

Council member Rhonda Haight made a motion to pass the Ordinance BR2021-10 in changing the council meeting to the 3<sup>rd</sup> Tuesday @ 5:00pm every month.

Council member Mike Panter seconded the motion.

Motion passed 4-0

**ROBBIE ( X ) MIKE ( S ) NATHAN ( X ) RHONDA ( M )**

### **2. Veto pertaining to the Amendment of Ordinance BR2021-05 Short Term Rentals – KC**

(Tabled from last meeting)

Council member Rhonda Haight asked the mayor if she was able to get in touch with our Attorney to remove the special use variance. The mayor was not aware she needed to.

Council member Rhonda Haight made a motion to table this until next month

Council member Mike Panter seconded the motion.

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Motion passed 4-0

ROBBIE (X) MIKE (S) NATHAN (X) RHONDA (M)

### 3. Request for outside investigation regarding delinquent taxes – NF MP

(Tabled from last meeting)

Council member Nathan Fitts wanted to discuss that no one understood how all of this happened, how was it not in the year end assessment. There was discussion between Council member Rhonda Haight and Mike Panter about Mrs. Haight saying she did not know about delinquent taxes. Council member Mike Panter said that they were told about delinquent taxes, and he had the minutes from 2016. Council member Mike Panter said he believed the biggest problem was one clerk trying to do too much and now the job is split. It was agreed that the delinquent taxes are now on the right track and getting straightened out.

Council member Nathan Fitts made a motion that we do not do an investigation based on the conversation tonight.

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X) MIKE (S) NATHAN (M) RHONDA (X)

### 4. Ordinance BR2021-11 (2nd READING)

An Ordinance to establish the rules and regulations for the operation of Sexually Oriented Businesses.

Council member Rhonda Haight explained that during the Hastings hearing that it was being said that someone could open a strip club or anything. Mrs. Haight said that as a council they wanted to come together and do something to protect the integrity of the community and not have that kind of business. This ordinance should cover every level and if something needs amended, they can always do that. It is not to allow them it is to prohibit.

Council member Rhonda Haight made a motion that we pass Ordinance BR2021-11 to establish the rules and regulations of sexually oriented businesses.

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X) MIKE (S) NATHAN (X) RHONDA (M)

### 5. Veto pertaining to the Ordinance BR2021-06 Zoning – KC

City Clerk Kelly Crowder read the letter from the mayor on the reasons for the veto(attached) Mayor Donna Whitener discussed the importance of training especially when you are possibly devaluing properties. Mayor Whitener said that it needs to be evaluated and that we need to come up with good number (on height) so that we are not battling lawsuits.

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Council member Nathan Fitts said that training is a good idea especially for the mayor who is vetoing this without knowledge.

Mayor Whitener said she has done research and spoken with attorneys and that Mr. Fitts does not get to sit and judge the knowledge that she has. She said she has had planning and zoning training.

Council member Mike Panter wanted to ask Cindy Trimble since she is on the Zoning and Planning commission board, based on what she had heard so far. Ms. Trimble said she still stood with what the Planning board recommended, the 35' with the 6' for mechanicals.

Council member Rhonda Haight said based on what she has heard it sounds like Mayor Whitener is more worried about the values of people's property downtown and not about the aesthetics and what the people want.

Mayor Whitener said Mrs. Haight was restating what she said. She is worried about the aesthetics.

Council member Rhonda Haight said training was not going to teach them how to implement their own zoning codes according to what people want. The training is to teach them how to do the process correctly, so they do not violate people's rights. She stated that they were the decision makers. She said there have been Town hall meetings, they have gathered input from people and listened to this for months. Mrs. Haight said that they have enough training to change the ordinances and if not, they should resign right now.

Mayor Whitener said she does not think they were specific enough in the recommendations.

Council member Rhonda Haight said they were very specific in the ordinance. She said that the option is to either override this veto as a council if all 4 of them vote on it, and if not, she can work on it again.

Council member Rhonda Haight made a motion to override Mayor Whitener's veto

Council member Nathan Fitts seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (X ) NATHAN (S ) RHONDA (M )

## **6. GMA Mandatory Training - MP**

Council member Mike Panter said he wanted to discuss that some people have had their training, and some have not. Mr. Panter said he feels like in addition to the mandatory training that the council must have, which is state law as well as provided for in the charter, that the council should also have zoning and planning going forward as well. Council member Nathan Fitts said that the classes have not been offered last year and once on zoom this year. Council member Mike Panter said it had been offered 5 times since he has been in office. Mr. Panter said that he is uncomfortable with the fact that Council member Fitts has not had his mandatory training. Mayor Whitener said that he had signed up before but then cancelled. Council member Mike Panter made a motion to remove this item.



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Council member Robbie Cornelius seconded the motion.

Motion passed 4-0

ROBBIE (S ) MIKE (M ) NATHAN (X ) RHONDA (X )

## **7. Darvin Couch Hwy 76 Middle School Radar Certification - RH**

(Tabled from last meeting)

Council member Rhonda Haight made a motion to table this until next month.

Council member Nathan Fitts seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (X ) NATHAN (S ) RHONDA (M )

## **8. Distribution Replacement inventory – Water document #1 -BH**

Utility Director Becky Harkins spoke about the difficulty of getting some inventory. Attached to the minutes is the rolling inventory list marked as Water document #1

Ms. Harkins spoke about patching after a water repair. Those things need to be taken care of quickly instead of waiting until the next council meeting to be approved.

The recommendation is \$35,000 for patching for the year.

Council member Mike Panter made a motion to approve water document #1

Council member Rhonda Haight seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (M ) NATHAN (X ) RHONDA (S )

## **9. Utility Contract – BH**

Utility Director Becky Harkins said this needed to be tabled while she is waiting to get the language back from City Attorney, James Balli.

Council member Rhonda Haight made a motion to table this item

Council member Mike Panter seconded.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (X ) RHONDA (M )

## **10. Bank account name change “CDBG account ending in 7820 to be changed to “American Rescue Plan Funds” and Resolution – MP**

Council member Mike Panter said that the city had been notified that they were getting \$545,580 under the American Rescue Plan funds. Mr. Panter said it was very specific as to what it can be spent on.

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Council member Mike Panter made a motion to consolidate the account ending 7820 to the name American Rescue Plan Funds

Council member Rhonda Haight seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (M ) NATHAN (X ) RHONDA (S )

Mayor Donna Whitener explained the Resolution BR2021-12 approving the execution of certain documents required to apply for and accept local recovery assistant funds under the American Rescue Plan Act. Finance Director Alicia Stewart has been appointed to accept that.

Council member Mike Panter made a motion to approve the Resolution BR2021-12

Council member Rhonda Haight seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (M ) NATHAN (X ) RHONDA (S )

## **11. Resolution to Appoint Election Officials – DW**

Mayor Donna Whitener read the first part of the Resolution.

Council member Rhonda Haight made a motion to approve Resolution BR2021-13

Council member Nathan Fitts seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (X ) NATHAN (S ) RHONDA (M )

## **12. Ordinance BR2021-02-A (Amendment to BR2021-02) - DW**

Mayor Donna Whitener read the first part of the Ordinance. This is for the 2021 general election for the City of Blue Ridge to provide for a title for said ordinance; to establish and set the date and time of the 2021 general election for all council seats and the seat of mayor.

Council member Rhonda Haight made a motion to accept Amended Ordinance BR2021-02-A

Council member Nathan Fitts seconded the motion

Motion passed 4-0

ROBBIE (X ) MIKE (X ) NATHAN (S ) RHONDA (M )

## **13. Legal Opinion on Parking Contract from David Syfan – NF**

Council member Nathan Fitts wanted to read the letter from David Syfan the previous city Attorney. Mr. Fitts wanted him to look over the contract to see if it was legal. Mr. Fitts said the contract is poorly written and not clear. He says that money is being paid that is not in the contract. Attached this letter as Exhibit "A". Council member Fitts said the disturbing thing is our city Attorney James Balli gave his legal opinion and said yes, we need to check into this then

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waffles and says something else, now he will not give an opinion on it and Mr. Fitts said it is his job to give his legal opinion. Mayor Donna Whitener said Mr. Balli has given his opinion and other Attorneys have given their opinions. Council member Rhonda Haight said she agreed with what audience member Brian Pritchard had to say. Mrs. Haight said this needed to be put out to bid and put to rest, and the contract needed to be cleaned up. Mrs. Haight said that the contract is up in October. She wants to put it out for bid, and she hopes that Executive Parking does put a bid in because they have done a good job. Mrs. Haight said if the council does not want to put it out to bid then have a third party look at it to make sure it is legal. Mayor Donna Whitener said it was sent to GIRMA and they said the City Attorney handles that. Council member Rhonda Haight said that GMA did not want to touch it. City Clerk, Kelly Crowder, was asked to clarify. Mrs. Crowder said that she did send the contract and everything that was asked to be sent and that GIRMA did not need to get involved. Council member Rhonda Haight wants a third party to look at it.

Council member Nathan Fitts made a motion to remove item #13 as far as voting.

Council member Rhonda Haight seconded the motion

Motion passed 4-0

**ROBBIE (X ) MIKE (X ) NATHAN (M ) RHONDA (S )**

## **14. Hiring of third-party firm to conduct Parking Contract and bid review – RH NF**

Council member Rhonda Haight made a motion to put the parking contract out for bid and before sending it out for bid the entire council review the terms of the contract so that it is a non-ambiguous contract that pays them for the 7days work that the company will receive and for council to agree to the terms of the contract

Council member Nathan Fitts seconded the motion

Motion did not pass

Mayor Donna Whitener had to break the tie with a NO

**ROBBIE (NO ) MIKE (NO ) NATHAN (S ) RHONDA (M )**

An audience member was saying something you could not hear on audio.

Mayor Whitener told her she did not have the floor. Several people were speaking at the same Time and yelling. Mayor Whitener declared out of order.

## **15. Reinstating Moratorium – RH MP**

Council member Rhonda Haight made a motion to remove this item from the agenda

Council member Mike Panter seconded the motion.

Motion passed 3-0



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Council member Robbie Cornelius had stepped away momentarily.

ROBBIE ( - ) MIKE ( S ) NATHAN ( X ) RHONDA ( M )

## **16.DDA Appointment - DW**

Council member Robbie Cornelius made a motion to appoint Mike Panter to the DDA board

Council member Nathan Fitts seconded the motion.

Motion passed 4-0

ROBBIE ( M ) MIKE ( X ) NATHAN ( S ) RHONDA ( X )

## **17.GICH Participation (UGA) – RH MP**

Council member Rhonda Haight asked Travor Aiken to come speak about this. Mrs. Haight mentioned this was a very good program through UGA.

Travor Aiken said that this is offered through the state at UGA it stands for Georgia Initiative Community Housing program. He said basically it is getting a group with the city and/or county to collectively address the housing needs for a city. The Housing Authority can do it alone, but they do not look favorably on that for a single entity applying for the application. Mr. Aiken said it takes a small financial committee from the parties involved. The deadline for the 2022 application is July 30<sup>th</sup> at 5pm. Mr. Aiken said that getting the application approved would mean being able to apply for other grants. The financial cost basically covers your specific entity to be sent to the retreats for the year.

Council member Rhonda Haight made a motion that the City of Blue Ridge participate in the GICH program

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE ( X ) MIKE ( S ) NATHAN ( X ) RHONDA ( M )

## **18.Police Department – RH**

Council member Rhonda Haight made a motion to remove Shawn Searce off the probation period and this will be effective with pay period that began on June 26, 2021.

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE ( X ) MIKE ( S ) NATHAN ( X ) RHONDA ( M )

## **19.Utility Fees – BH**

Utility Director Becky Harkins said she sent the council a couple of emails explaining. Mrs. Harkins said this was about tap on fees and abandonment of taps. She said this would not impact customer bill rates, this is only for tap fees.

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Council member Nathan Fitts made a motion to proceed with Utility fees as outlined

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

## Purchasing Approvals:

### **20.**Ratify Ronnie Thompson Ford purchase P.O #29005 \$36,836.84 – BH

Council member Rhonda Haight made a motion to ratify the Ronnie Thompson Ford purchase P.O 29005 in the amount of \$36,836.84

Council member Nathan Fitts seconded the motion

Motion passed 4-0

ROBBIE (X ) MIKE (X ) NATHAN (S ) RHONDA (M )

### **21.**Sidewalk on Depot Street – JS

Council member Rhonda Haight made a motion to approve the sidewalk quote in the amount of \$8050.00

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (X ) RHONDA (M )

### **22.**GMA Lease – AS

Council member Nathan Fitts made a motion to approve the GMA Lease in the amount of \$121,180.49 for 5 years with interest of 2.88%

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

### **23.**Ornamental Fence on East Main street sidewalk –P.O #28993 \$6,072.00 JS

Council member Mike Panter made a motion to approve up to \$7000 for the ornamental fence on East Main Street.

Council member Nathan Fitts seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (M ) NATHAN (S ) RHONDA (X )

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## **24. Task release #33 Carter & Sloope, LLC P.O #28994 \$ 5500 - JS**

Council member Nathan Fitts made a motion to approve Task release #33 in the amount of \$5500

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

## **25. Task release #34 Carter & Sloope, LLC P.O #28995 \$29,000 – JS**

Council member Nathan Fitts made a motion to approve Task release #34 in the amount of \$29,000

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

## **26. Kor Kat (Playground shades) – MP AS**

Council member Nathan Fitts made a motion to approve the invoice to Kor Kat in the amount of \$16,178.03

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

## **27. Water stock P.O #28987 \$5,455.28 – NF**

Council member Nathan Fitts made a motion to approve the water stock in the amount of \$5,455.28

Council member Mike Panter seconded the motion

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

## **28. College Street Cemetery fence – RH**

Council member Rhonda Haight made a motion to approve the fence for the cemetery to Iron Mountain fence in the amount of \$7230

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Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (X ) RHONDA (M )

## **29. Sidewalk at Angela Delorme – JS**

Council member Nathan Fitts made a motion to approve the sidewalk at Angela Delorme's office to OuterElements in the amount of \$13,450.000 with the work to be done in November.

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

## **30. Revisit Track hoe from Mason Tractor (no trade in) - BH**

Council member Nathan Fitts made a motion to approve the purchase from Mason Tractor for the Track hoe without a trade-in and adding the trailer. The track hoe amount is \$47,400.00

And the trailer in the amount of \$7995.00

Council member Mike Panter seconded the motion.

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )

## **Discussion Agenda Items (Items for discussion only):**

### **1. Farmer's Market – RH MP**

Council member Rhonda Haight stated that she put this on the agenda because Brian Higgins had an interest in getting it reinstated again. Also, Light up Blue Ridge is interested in having an event there in August. She gave Brian Higgins a chance to speak about it. Council member Mike Panter said he did want to say that he was getting ready to speak at the upcoming commissioners meeting about the aquatic center being at the Farmer's market. Mr. Higgins spoke about wanting the Farmer's Market to be used as such.

### **2. Speed tables on State Street – JS**

Zoning manager Jeff Stewart said he had a business complain about the speed on State Street. Council member Nathan Fitts said he thinks the P.D should monitor it first. Mayor Donna Whitener asked the P.D if they would start monitoring that area.

### **3. Traffic flow at the intersection of Old US Hwy 76 and Collins – RH**

Council member Rhonda Haight said this was mentioned by a citizens group. Mrs. Haight said it needed a traffic study, and discussion was made about looking at the end of Aska as well.

### **4. Update on World Series – MP**

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Council member Mike Panter wanted to report that the World Series was a success. They will be back next year, and it will be larger.

## 5. Update on Downtown playground/tennis courts- MP

Council member Mike Panter wanted to say that they just put a volley wall up at the tennis courts. Mr. Panter said that they will be getting the landscaping done soon.

## 6. Water/sewer infrastructure update – BH

Utility Director Becky Harkins said water loss is 11% improved. She spoke about the disposing of solids at the sewage plants was becoming a problem.

## 7. City Attorney – Legal Opinion Review, Concern & Questions – NF

Council member Nathan Fitts said it was ridiculous that there are other attorneys involved. Mr. Fitts said the city attorney should not be biased. Mr. Fitts said the municipal attorney they used to have was half the cost. Council member Mike Panter said based on the bills he looked at that it was not true. Mr. Fitts said some of the things that are going on is setting the city up to be sued. Council member Nathan Fitts said the current attorney does not respond to emails or questions. Mr. Fitts said that he had to pull something off the House floor because it was not correct. Mr. Fitts wants better representation for the city.

## 8. Agenda Items for Council meetings – more detail for public – NF

Council member Nathan Fitts said that he has had people asking for more detail on the agenda. Council member Rhonda Haight wanted to make sure that everything gets on the website, like DDA meetings.

## Adjournment

Council member Nathan Fitts made a motion to adjourn

Council member Mike Panter seconded the motion

Motion passed 4-0

ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )



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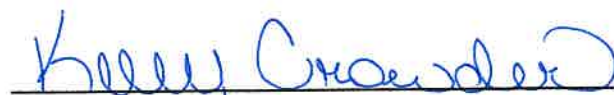
## Adjournment

Council member Nathan Fitts made a motion to adjourn

Council member Mike Panter seconded the motion

Motion passed 4-0

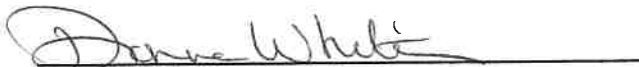
ROBBIE (X ) MIKE (S ) NATHAN (M ) RHONDA (X )



City Clerk, Kelly Crowder

Aug. 17, 2021

Approved



Mayor, Donna Whitener